

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS, #05711-068

PETITIONER

VERSUS

CIVIL ACTION NO. 5:08-cv-153-DCB-MTP

BRUCE PEARSON, et al.

RESPONDENT

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 challenging the BOP'S interpretation of 28 C.F.R. §§570.21 and 570.21 (2005 regulations) be dismissed with prejudice as moot and as to the claims relating to the conditions of confinement, *i.e.*, classification, housing assignment, and denial of access to the courts, be dismissed without prejudice so that the petitioner may pursue those claims in the proper manner.

SO ORDERED AND ADJUDGED, this the 7th day of July, 2009.

s/David Bramlette
UNITED STATES DISTRICT JUDGE